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tesa AG 597-HCL  
3162-St-ar**EXPEDITED EXAMINING PROCEDURE  
AMENDMENT AFTER FINAL REJECTION****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS : NICKEL, Oliver  
SERIAL NO. : 09/431,849  
FILED : 2 November 1999  
FOR : MASKING STRIP AND USE THEREOF  
ART UNIT : 1774  
EXAMINER : Lawrence D. Ferguson

**9 December 2002**

Box AF  
Hon. Commissioner of Patents  
Washington, D.C. 20231

**AMENDMENT UNDER 37 CFR § 1.116**

SIR:

In response to the Office Action dated 18 October 2002, please accept the following request for reconsideration.

**CONDITIONAL PETITION FOR EXTENSION OF TIME**

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

**ADDITIONAL FEE**

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

**REMARKS**

Claims 2-9, 11 and 12 are pending, although claim 11 has been withdrawn from consideration as drawn to a non-elected invention. Applicants respectfully request that, upon allowance of elected subject matter, the non-elected subject matter be rejoined (see MPEP § 806.05(i) - "Where the product claims are allowable (i.e., novel and unobvious), restriction may be required only where the process of making and the product are distinct (MPEP § 806.05(f)); otherwise, the process of using must be joined with the process of making and product made, even if a showing of distinctness can be made between the product and the product of using (MPEP § 806.05(h))").

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**FACSIMILE COVER SHEET****NORRIS MCLAUGHLIN & MARCUS, P.A.**220 East 42<sup>nd</sup> Street30<sup>th</sup> Floor

New York, New York 10017

Tel.: (212) 808-0700

Fax.: (212) 808-0844

**Date:** 9 December 2002

**To:** Examiner Lawrence D. Ferguson  
US Patent and Trademark Office  
Tel. 703-305-9978  
Fax: 703-872-9310

**Subject:** USSN 09/431,849  
Our Ref.: tesa 597-HCL

**From:** Howard C. Lee

**Comments:** Filing of Response to Office Action dated 18 October 2002, including Amendment (4 pgs.)

If you have any questions or need further information, please contact us.

You should receive 5 pages including this cover sheet.

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